

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

JOHN BURTON,

Plaintiff,

vs.

CRYSTAL BENSON, RENEE  
COOPER, STEVE HOLMES, and  
D.O.C.,

Defendants.

NO. CV-10-52-CI

ORDER ADOPTING REPORT AND  
RECOMMENDATION, DENYING  
APPLICATION TO PROCEED *IN*  
*FORMA PAUPERIS*, DENYING  
PENDING MOTIONS AS MOOT, AND  
DISMISSING ACTION

Magistrate Judge Imbrogno filed a Report and Recommendation on April 23, 2010, recommending Mr. Burton's Application to Proceed *in forma pauperis* be denied under 28 U.S.C. § 1915(g). Mr. Burton has filed at least three other actions which were dismissed as frivolous, malicious, or for failure to state a claim upon which relief may be granted, and he made no allegation in his complaint of imminent danger of serious physical injury. There being no objections, the court **ADOPTS** the Report and Recommendation. The Application to Proceed *in forma pauperis* (Ct. Rec. 2) is **DENIED**.

Plaintiff did not pay the filing fee of \$350.00 within twenty one days as directed. Therefore, **IT IS ORDERED** this action is **DISMISSED without prejudice** for failure to comply with 28 U.S.C. § 1914(a). **IT IS FURTHER ORDERED** all pending motions are **DENIED as moot**.

**IT IS SO ORDERED.** The District Court Executive is directed to enter this  
ORDER DISMISSING ACTION -- 1

1 Order, enter judgment of dismissal, forward copies to Plaintiff and close the file. The  
2 court certifies any appeal of this dismissal would not be taken in good faith.

3 **DATED** this 19th day of May 2010.

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5 *s/Lonny R. Suko*

6 LONNY R. SUKO  
7 CHIEF UNITED STATES DISTRICT JUDGE  
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